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Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Ecuador, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Norway, Paraguay, Philippines, Portugal, Republic of Moldova, San Marino, Slovakia, Slovenia, Spain and Sweden: draft resolution

Human rights in the administration of justice

The General Assembly,

Recalling its resolution 50/181 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/32 of 19 April 1996[1] and decision 1997/106 of 11 April 1997[2] on human rights in the administration of justice, in particular of children and juveniles in detention,

Bearing in mind the principles embodied in articles 3, 5, 9 and 10 of the Universal Declaration of Human Rights[3] and the relevant provisions of the

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[1] Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

[2] Ibid., 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

[3] Resolution 217 A (III).

International Covenant on Civil and Political Rights and the Optional Protocols thereto,[4] in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the Convention on the Rights of the Child,[7]

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women,[8] in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Recalling in particular article 37 of the Convention on the Rights of the Child, according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age,

Calling attention to the numerous international standards in the field of the administration of justice,

Welcoming the Guidelines for Action on Children in the Criminal Justice System,[9] including the establishment of a coordination panel on technical advice and assistance in juvenile justice,

Welcoming the important work of the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice and emphasizing the importance of coordinating the activities carried out under their responsibility,

Acknowledging the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field,

Aware of the need for special vigilance with regard to the vulnerable situation of children and juveniles, as well as women and girls in detention,

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[4] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

[5] Resolution 39/46, annex.

[6] Resolution 2106 A (XX), annex.

[7] Resolution 44/25, annex.

[8] Resolution 34/180, annex.

[9] Economic and Social Council resolution 1997/30, annex.

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;

4. Invites States to make use of technical assistance offered by the United Nations programmes of technical assistance, in order to strengthen national capacities and infrastructures in the field of administration of justice;

5. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. Calls upon the Secretary-General to strengthen system-wide coordination in the field of administration of justice, in particular between the United Nations programmes in the field of human rights and crime prevention and criminal justice;

7. Calls upon the United Nations High Commissioner for Human Rights, as well as mechanisms of the Commission on Human Rights and its subsidiary body, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion of human rights in the administration of justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for measures of advisory services and technical assistance;

8. Invites the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice to coordinate closely their activities relating to the administration of justice;

9. Decides to consider the question of human rights in the administration of justice at its fifty-fourth session under the item entitled "Human rights questions".